

## ANDREWS ASKS TO SEE RECORD

### Three Motions Filed in Perjury Case

Legal maneuvers designed to make his Grand Jury testimony public were instituted Monday by Dean A. Andrews Jr., who was indicted for perjury by the jury in connection with District Attorney Jim Garrison's presidential assassination probe.

Andrews filed three motions in Criminal District Court, one for *oyer*, one to inspect his Grand Jury testimony and one for an order permitting disclosure of Grand Jury testimony.

Andrews, who has been suspended as an assistant Jefferson Parish district attorney because of his connection with the conspiracy investigation, was reindicted two weeks ago on the perjury charge after a previous indictment was challenged by his attorney. The first indictment was subsequently nol prosessed.

The second indictment revealed 11 and one-half feet of testimony, the basis of five counts of perjury.

In his motions, Andrews maintained that he is unable "to properly prepare his defense or to assist his counsel."

#### 'BERTRAND' INVOLVED

Andrews testified to the Warren Commission that he received a telephone call from a "Clay Bertrand" shortly after the assassination of President John F. Kennedy asking Andrews to defend Lee Harvey Oswald, later named by the commission as the lone assassin.

Garrison listed "Clay Bertrand" as an alias of Clay Shaw shortly after Shaw's arrest March 1. Garrison charged that Shaw, former managing director of the International Trade Mart, conspired with Oswald and pilot David W. Ferrie in New Orleans to kill the President.

Andrews' Grand Jury testimony concerned "Clay Bertrand" and Clay Shaw. Andrews said he could not say whether they were the same person.

The district attorney's office Monday filed exceptions to petitions by Shaw's attorneys to make a magazine writer, James Phelan, a material wit-

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ness in Shaw's conspiracy case.

Phelan suggested in a Saturday Evening Post article that Perry Russo's testimony that he heard Shaw, Oswald and Ferrie conspiring to kill Kennedy may have resulted from post-hypnotic suggestion.

A hearing on the matter was set for 10:30 a. m. Wednesday after assistant district attorneys James Alcock, Andrew Sciambra and Richard Burnes filed a written answer to Shaw's petition.

The state's argument said there is no provision under Louisiana law to take testimony of

a witness in advance of a trial except in a preliminary hearing, which has already been held, or in the case of a witness who is imprisoned.

Garrison's men contended that the only way testimony can be taken before the trial is before the Grand Jury.

#### STATEMENT SOUGHT

Noting that Phelan said he is willing to testify in New Orleans, they said the state is equally interested in obtaining his sworn statement.

Sciambra later issued a statement in which he asked Phelan to testify with him before the Grand Jury.

Phelan said in his story that Russo made no mention of a meeting at which Ferrie, Shaw and Oswald, supposedly conspired when Russo first met with Sciambra.

Sciambra has called the article untrue.

The only way for Phelan to testify under oath under law, Sciambra said, "would be a joint appearance by Mr. Phelan and myself before the Orleans Parish Grand Jury."

Sciambra added, "If Mr. Phelan is sincere in his request, at this time I would like to extend an invitation to him to appear with me voluntarily before the Grand Jury where we can both tell our stories under oath and subject to cross examination and the laws of perjury of the state of Louisiana. This would give an impartial body of 12 men an opportunity to decide once and for all what is fact and what is fiction."

Sciambra said his office will pay for Phelan's transportation and lodging in New Orleans, and added that "I stand by every statement I have ever made concerning Mr. Phelan and his article."